Claims 1-7, 11 and 13 stand rejected as being unpatentable under 35 USC 103(a) over US Patent No. 5,984,770 to Asano et al in view of GB Patent No. 2,129,278 to Meyn. Further, Claims 11-13 are rejected as being unpatentable over US Patent No. 5,021,024 to Villemin et al in view of Meyn. Reconsideration of the rejections is requested for the following reasons.

Asano et al differs from the apparatus and method of the present invention in that, according to Asano et al, meat is separated from a poultry carcass that still has its extremities attached. The meat separator 15 is positioned on the shoulder joint and the cutter blade 16 cuts through the sinew/tendons. The fillets are then removed from the skeleton by means of the extremities.

On the other hand, the present invention is directed to removing the fillets of carcasses of poultry having the extremities detached therefrom by using a scraping device that includes a disk-like scraping element. Further, the claimed fillet removing device has a measuring device for measuring the individual dimensions of the carcass and a control unit for communicating with the scraping device.

The Examiner relies upon Meyn for disclosing the scraping device as being constructed of a disk-like scraping element, however, Meyn does not disclose the measuring device of the present invention which is also not disclosed by Asano et al.

Therefore, the combination of Asano et al and Meyn is insufficient to render the claimed invention unpatentable under 35 USC §103.

The positioning/pressing mechanism 21 disclosed by Asano et al is not equivalent to the control unit claimed by Applicants which measures the individual dimensions of the carcass, as claimed. Further, the object of the invention is to scrape, not cut, the fillets from the skeleton of the poultry carcasses, thus increasing the yield of fillet meat while at the same time producing a visually pleasing product. Further, the meat separator 15 and cutter blade 16 of Asano et al form a single separating device and therefore the reference does not disclose two scraping devices (claim 2) that are disk-like scraping elements (claim 3). Still further, the knives disclosed in Meyn do not have a pivotable construction such that circumferential surfaces of the disks are arranged to roll over the wishbone (claim 6). Accordingly, claims 1-7 are patentable over the combination of Asano et al in view of Meyn.

With respect to claims 11-13, the primary reference relied upon in the rejection is Villemin et al. However, in the reference to Villemin et al, the extremities of the poultry carcasses have not been detached before the fillets are removed. Claim 11 sets forth that the fillets are removed from the eviscerated carcasses of poultry whose extremities

have been detached, which is different from the method shown by Villemin et al. Further, in Villemin et al, the individual carcass dimensions are not detected, as claimed by Applicants. Accordingly, the combination of Villemin et al and Meyn is insufficient to render claims 11-13 unpatentable under 35 USC 103(a).

In view of the foregoing amendments and remarks, reconsideration and reexamination are respectfully requested.

Respectfully submitted,

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MARKED UP VERSION OF REWRITTEN CLAIMS

1. (Amended) [Device]A device for removing the fillets from the eviscerated carcasses of poultry whose extremities have been detached, including at least one measuring device for measuring the individual dimensions of the carcass, at least one control unit and at least one scraping device, wherein [characterized in that] the measuring device is connected via the control unit to the at least one scraping device for the purpose of communicating, wherein the measuring device is designed for [the] detection of body joint points, and [the or] a or each scraping device includes [is constructed as] a disc-like scraping element.

2. (Amended) [Device]A device according to claim 1, wherein [characterized in that] two scraping devices are provided.

3. (Amended) [Device]A device according to claim 1, wherein [characterized in that the or] said a or each scraping device comprises at least two disc-like scraping elements.

4. (Amended) [Device]A device according to claim 1, wherein [characterized in that the or] said a or each scraping element is of rotatable construction.

5. (Amended) [Device]A device according to claim 1, wherein [characterized in that] at least one scraping device includes [comprises] an element for pulling back the tender sinew.

6. (Amended) [Device]A device according to claim 4, wherein [characterized in that] the disc-like scraping elements are of pivotable construction such that the circumferential surfaces of their discs are arranged so that they can be rolled over the wishbone from the body joint of the poultry carcass.

7. (Amended) [Device]A device according to claim 4, wherein [characterized in that] in front of each scraping device in the direction of conveying is arranged at least one measuring device.

11. (Amended) [Method]A method for removing the fillets from the eviscerated carcasses of poultry whose extremities have been detached, including the steps of:

introducing carcasses of poultry into a device for removing fillets;

detecting[ion of the] individual carcass dimensions by recording carcass-specific data;

controlling [of the or] a or each scraping device and mounting of scraping elements on previously determined body joint points;

subsequently detaching[ment of] the fillets from the skeleton by the [disc-like] scraping elements which are formed in a disk shaped construction, and

[final and] completely detachingment [of] the fillets by subsequent scraping tools.

12. (Amended) [Method]A method according to claim 11, wherein [characterized in that] detection of the carcass dimensions is effected by mechanical sensing of the body joint points.

13. (Amended) [Method]A method according to claim 11, wherein [characterized in that the] two sides of the poultry carcass are processed one after the other.